



Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

FIA ACTION TRANSMITTAL

Control Number: #09-06

Effective Date: October 1, 2008

Issuance Date: August 20, 2008

**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS, CASE MANAGERS,
ADDICTIONS SUPERVISORS AND SPECIALISTS**

**FROM: KEVIN M. MCGUIRE, EXECUTIVE DIRECTOR, FIA
PETER F. LUONGO PH.D, DIRECTOR, DHMH, ADAA**

RE: FIP SUBSTANCE ABUSE TREATMENT AND SERVICES

PROGRAM AFFECTED: TEMPORARY DISABILITY ASSISTANCE PROGRAM

ORIGINATING OFFICE: OFFICE OF PROGRAMS

SUMMARY: The Temporary Disability Assistance Program (TDAP) provides financial assistance to adults disabled and unable to work. Individuals eligible for assistance must comply with program requirements according to COMAR 07.03.05.05. New program requirements adopted in FY 2004 allowed for a rehabilitation requirement when resources became available to the local departments. This Action Transmittal implements the rehabilitation requirement of substance abuse screening and, when required, participation in appropriate substance abuse treatment if available.

ACTION REQUIRED: Effective October 1, 2008 **all** TDAP applicants and recipients **at their first redetermination must** be referred to the Addictions Specialist for substance abuse screening, assessment and when required, referred to treatment. An individual who fails to participate **without good cause** is ineligible for TDAP benefits. **Good cause** includes, but is not limited to:

- (a) Hospitalization;
- (b) An inability to secure a necessary appointment;
- (c) Documented death in the family or family crisis;
- (d) Documented court appearance or
- (e) Other legitimate good cause reason as determined by the local department.

Substance Abuse Treatment and Services Requirements

Customers applying for or those receiving assistance that have not been screened for substance abuse must be referred to the Addictions Specialist. When the substance abuse screen is **positive**, the customer signs the **Consent for the Release of Confidential Alcohol and Drug Treatment Information** (DHR/FIA 1176) form (Attachment 1), is referred for a comprehensive assessment, and if needed, referred to and enrolled in treatment.

Reminder: Only refer customers required to comply with substance abuse treatment and services requirements to the Addictions Specialists.

I. SATS APPLICATION and REDETERMINATION PROCEDURES

Local Department Responsibilities

During the application and first TDAP redetermination **after October 1, 2008**, the local department case manager shall:

- Inform all TDAP applicants and recipients about the Substance Abuse Treatment and Services (SATS) requirements as a condition of eligibility for TDAP.
- Refer the applicant or recipient to the on-site Addictions Specialist for screening using the **Substance Abuse Screening Referral** (DHR/FIA 1177) form (Attachment 2). Complete the **top portion** of the form, providing as much demographic information as possible for the Addictions Specialist.
 - Once the **initial referral** has been completed, **only** recipients subsequently identified as in need of a substance abuse referral or those who self identify are referred to the Addictions Specialist.
- Do not wait to receive the Medical Report Form, (402B) to complete the referral to the Addictions Specialist.

Reminder: If the **only** diagnosis on the 402B in Section B is substance abuse, the customer is **ineligible** for TDAP benefits.
- Process the TDAP application or redetermination taking into consideration the information on the 1177 or the **Substance Abuse Identification and Treatment Notification** (DHR/FIA 1178) form (Attachment 3).

Identifying Customers Subject to Substance Abuse Treatment and Services Requirements

To identify a case with an individual affected by the substance abuse treatment and services provisions, enter on the **DEM1** screen in the **HOSPITAL** field:

- SA1** - enrolled in a substance abuse treatment program
- SA2** - awaiting available vacancy
- SA3** - successfully completed treatment program
- SA4** - failed to enroll in appropriate available substance abuse treatment
- SA5** - failed to maintain active enrollment in appropriate/available substance abuse treatment
- SA6** - failed/refused to complete screening or comprehensive assessment

SA7 - results of screening/assessment indicate individual not in need of substance abuse treatment

SA8 - failed/refused to sign consent form

SA9 - discharged for non-compliance

SA10 - referred to a new program

Associated Food Stamp Cases

Food stamp recipients identified as convicted drug felons are required to cooperate with the drug felon provision. To determine whether a TDAP applicant receiving food stamps has met the drug felon requirement, on the **DEM1** screen in the **CITY** field one of the following codes will be entered:

- **DF1**– Customer is complying with SATS provisions
- **DF2**- Customer is not complying with SATS provisions

Addictions Specialist Responsibilities

- The Addictions Specialist shall:
- Inform the customer of the SATS requirements.
- Screen the TDAP applicant or recipient using the Statewide Maryland Automated Records and Tracking system (SMART).
- Return the 1177 to the case manager **within ten working days of the referral date**, indicating the individual's compliance (using the middle section of the 1177) with the substance abuse treatment and services requirements.
- Secure the individual's signature on the **Consent for the Release of Confidential Alcohol and Drug Treatment Information** (DHR/FIA 1176) **if screened positive** or the individual acknowledges a substance abuse problem.
- Complete a comprehensive assessment or refer the customer for assessment of substance abuse using instruments approved by the addictions agency.
- Forward a copy of the 1176 to the case manager.
- When appropriate, forward a copy of the 1176 and 1178 to an assessor or treatment provider.
- Notify the case manager via the Substance Abuse Treatment Notification (DHR/FIA 1178) form whenever one of the reportable events occurs, or every four months at a minimum.
- Refer customers to the local county assessor for treatment referrals to programs or providers who have access to funding for individuals that fall in a “gray area” (**without Medical Assistance or other health insurance**), for placement in treatment.

- Refer customers with MA or private health insurance to the appropriate Managed Care Organization (MCO) or appropriate private provider for referral to their substance abuse treatment provider.
- Provide monthly reports to the Program Administrator at ADAA.
- Makes a referral to Family Services via the **Referral for Services** (DHR/FIA 461) form when the assessment is positive and the customer fails to comply with treatment.

Compliance

When the case manager receives an 1177 or an 1178 from the Addictions Specialist at application or the first redetermination **after October 1, 2008**, the case manager must review the information to determine if the customer is in compliance with FIP substance abuse treatment requirements.

The customer is in compliance when:

- The SATS screen is positive and the customer signs the 1176.
- The substance abuse screen is negative (**#3** on 1177).
 - **No** further action concerning substance abuse treatment is required by the Addictions Specialists or the FIP case manager.
- The substance abuse screen is **positive** and the 1177 indicates the individual has been referred for assessment or treatment, is currently in an approved treatment program, or is awaiting an available vacancy in an approved treatment program.

The customer is not in compliance when:

- The individual fails to keep the appointment for the substance abuse screening or comprehensive assessment.
- The individual refuses to sign the 1176 when the substance screen is positive.
- The individual fails/refuses to enroll into treatment when referred.
- The individual fails to stay enrolled in treatment.
- The individual is discharged from the treatment program for non-compliance.

II. ELIGIBILITY DETERMINATIONS

Applications

Deny the TDAP application for failure to cooperate with the eligibility process when the applicant fails to comply with the SATS screening, or assessment requirements. Add the following text:

According to the Code of Maryland Regulations 07.03.05.05, Individual's Name failed to have a substance abuse screening and/or assessment and is not entitled to TDAP benefits. For additional services contact the Family Services Unit.

OR

Deny the TDAP application for failure to cooperate with the eligibility process when an applicant refuses to sign the DHR/FIA 1176. Add the following text:

According to the Code of Maryland Regulations 07.03.05.05, Individuals' Name failed to comply with the substance abuse signature requirement and is not entitled to TDAP benefits. For additional services contact the Family Services Unit.

Redeterminations

Close the TDAP case for failure to cooperate with the eligibility process when a customer fails to comply with the SATS requirements. Add the following text:

According to the Code of Maryland Regulations 07.03.05.05, Individuals' Name failed to comply with the substance abuse signature requirement and is not entitled to TDAP benefits. For additional services contact the Family Services Unit.

OR

According to the Code of Maryland Regulations 07.03.05.05, Individual's Name failed to comply with substance abuse treatment or services screening or assessment requirements and is not entitled to TDAP benefits. For additional services contact the Family Services Unit.

OR

According to the Code of Maryland Regulations 07.03.05.05, Individual's Name failed to enroll in appropriate and available substance abuse treatment and is not entitled to TDAP benefits. For additional services contact the Family Services Unit.

OR

According to the Code of Maryland Regulations 07.03.05.05, Individual's Name failed to stay enrolled in appropriate and available substance abuse treatment and is not entitled to TDAP benefits. For additional services contact the Family Services Unit.

OR

According to the Code of Maryland Regulations 07.03.05.05, Individual's Name was discharged from a treatment program for not keeping program rules and is not entitled to TDAP benefits. For additional services contact the Family Services Unit.

III. SUPPORTIVE SERVICES

When the assessment is positive for substance abuse the addictions specialist makes a referral for supportive services needed to enter treatment. This could include Family Services, transportation or other wraparound services.

INQUIRIES: Direct policy questions to Deborah Weathers at 410-767-7994 or via e-mail at dweather@dhr.state.md.us.

CC: DHMH Management Staff
FIA Management Staff
Constituent Services

DHR Executive Staff
DHR Help Desk